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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,376	06/20/2001	Elias G. Khamis	68795-272202	4029

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EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 03/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/885,376

Applicant(s)

Khamis et al.

Examiner

Erika A. Gary

Art Unit

2685



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jun 21, 2001

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-61 is/are pending in the application.

4a) Of the above, claim(s) 34-39 and 56-61 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-33 and 40-55 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

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DETAILED ACTION

Election/Restriction

1. Newly submitted claims 34-39 and 56-61 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Independent claims 34 and 56 are drawn to a separate invention which was previously claimed as a subcombination in the original patent. The original claims are drawn to an extension accessory apparatus including an adapter, whereas new claims 34 and 56 read on a basic cordless phone.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 34-39 and 56-61 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Defective Reissure Oath/Declaration

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

Reissue Applications

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2. This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

3. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

4. Claims 1-33 and 40-55 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Claim Objections

5. Claims 41-44, and 53 are objected to because of the following informalities: the above mentioned claims each depend on themselves. Appropriate correction is required.

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Allowable Subject Matter

6. Claims 1-33, and 40-55 are allowed. Prior art has not been found that suggests or renders obvious the details of the adapter unit in an extension accessory apparatus.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sasaki et al., US Patent Number 4,850,006, disclose a booster and charger unit used for hand-held portable telephone.

Hop, US Patent Number 4,912,756, discloses a method and apparatus for error-free digital data transmission during cellular telephone handoff.

Kawano et al., US Patent Number 5,033,109, disclose a pocket transceiver.

Frankiel et al., US Patent Number 5,044,010, disclose an arrangement and method for selecting an available communication channel of a cordless telephone.

Cornforth et al., US Patent Number 5,276,918, discloses a mobile radio telephone with booster unit.

Oguchi et al., US Patent Number 5,335,262, discloses a radio communication adapter connected to mobile station and mobile communication system using the radio communication adapter.

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Massa, US Patent Number 5,422,934 discloses a cordless range extension accessory apparatus for radio telephones.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Gary whose telephone number is (703) 308-0123. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750 or to the 2600 Customer Service Office at (703) 306-0377.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, VA., Sixth Floor (Receptionist).

Erika Gary 
March 14, 2002


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
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